

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI: EASTERN DIVISION

HANS MOKE NIEMANN,

Plaintiff,

v.

SVEN MAGNUS ØEN CARLSEN A/K/A
MAGNUS CARLSEN, PLAY MAGNUS
AS D/B/A PLAY MAGNUS GROUP,
CHESS.COM, LLC, DANIEL RENSCH
A/K/A “DANNY” RENSCH, AND
HIKARU NAKAMURA,

Defendants.

Civil Action No. 4:22-CV-01110

Hon. Audrey G. Fleissig

PLAINTIFF’S RESPONSE TO CHESS.COM, LLC’S NOTICE OF COMPLIANCE

Plaintiff Hans Moke Niemann (“Plaintiff”) respectfully submits this response to Defendant Chess.com, LLC (“Chess.com”)’s notice of compliance. Dkt. 137. In support of his response, Plaintiff states as follows:

1. On March 23, 2023, the day following the Court’s order granting Plaintiff the right to conduct jurisdictional discovery from Chess.com until June 20, 2023, Plaintiff served Chess.com with 9 document demands and 10 interrogatories seeking the information necessary to ascertain the citizenship of Chess.com.

2. On April 2, 2023, in lieu of responding to Plaintiff’s jurisdictional demands, counsel for Chess.com contacted Plaintiff’s counsel to advise that diversity jurisdiction was destroyed because many layers up Chess.com’s corporate structure were several Connecticut citizens who had an indirect interest in Chess.com. At that time, however, Chess.com did not produce any documents to support this conclusion or identify any of these Connecticut citizens.

3. Over the following weeks, Plaintiff has made numerous efforts to obtain the

documents and information necessary to confirm Chess.com's assertion that diversity jurisdiction was in fact destroyed. Initially, Chess.com represented that it was unable to provide such evidence because it was in a non-party member's control. However, when faced with the prospect of being served with a non-party subpoena, Chess.com represented that such non-party would be willing to produce the requested documentation provided that Plaintiff's counsel agreed to treat it as strictly confidential – for attorneys' eyes only. To expedite the resolution of this matter, Plaintiff's counsel agreed, with certain caveats.

4. On April 27, 2023, Chess.com provided various documents to Plaintiff's counsel, including a heavily redacted organization chart of Chess.com. These documents left open a number of questions that need to be resolved in order for Plaintiff to conclude whether diversity jurisdiction is destroyed based on the citizenship of Chess.com.

5. On May 4, 2023, Plaintiff's counsel began to meet and confer with Chess.com's counsel on this topic and, as indicated in Chess.com's Notice of Compliance, that process is ongoing. In the interim, to conserve the parties' resources, Plaintiff has been routinely agreeing to extend Chess.com's time to respond to Plaintiff's written jurisdictional discovery requests.

6. Unless otherwise directed, Plaintiff will provide the Court with a status update on or before June 20, 2023, consistent with the Court's March 22, 2023 order granting Plaintiff 90 days to conduct jurisdictional discovery.

Dated: New York, New York
May 8, 2023

Respectfully submitted,

s/ Andrew J. Urgenson

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